

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

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**In Re:** )      **Chapter 13**  
    **Victor A. Silva,**      )      **Case No.: 15-40704**  
    **Debtor**      )  
=====

**ANSWER AND OPPOSITION TO THE  
MOTION FOR RELIEF FROM STAY  
FILED BY U.S. BANK, N.A.**

Now comes Victor A. Silva (“the Debtor”) and hereby answers and opposes the Motion for Relief From Stay filed by U.S. Bank, N.A., not in its individual capacity but solely as Trustee NRZ Pass-Through Trust X (“US Bank”) seeking permission to foreclose on the property located at 293 N Broadway, Haverhill, MA 01832 (“the Subject Property”). In support of his opposition, the Debtor states as follows:

1. The Debtor admits the allegation set forth in paragraph 1 of the motion.
2. The Debtor admits the allegation set forth in paragraph 2 of the motion.
3. The Debtor admits the allegation set forth in paragraph 3 of the motion.
4. The Debtor admits the allegation set forth in paragraph 4 of the motion.
5. The Debtor does not have sufficient information to admit or deny the allegation in paragraph 5 of the motion.
6. The Debtor admits the allegation set forth in paragraph 6 of the motion.
7. The Debtor denies the allegation set forth in paragraph 7 of the motion. Further answering, the Debtor asserts that the fair market value of the subject property is \$340,000.00.
8. The Debtor does not have sufficient information to admit or deny the allegation in paragraph 8 of the motion.
9. The Debtor does not have sufficient information to admit or deny the allegation in paragraph 9 of the motion.
10. The Debtor does not have sufficient information to admit or deny the allegation in paragraph 10 of the motion.
11. The Debtor admits the allegation set forth in paragraph 11 of the motion insofar as the amount which was owed as of the petition date. The Debtor does not have

12. The Debtor admits the allegation set forth in paragraph 12 of the motion.
13. The Debtor does not have sufficient information to admit or deny the allegation in paragraph 13 of the motion.
14. The Debtor does not have sufficient information to admit or deny the allegation in paragraph 14 of the motion.
15. The Debtor intends to file a new plan which will provide for the sale of the Subject Property or, in the alternative, a modification of the mortgage loan agreement with U.S. Bank.

**Wherefore**, the Debtor respectfully requests this Court to:

1. Deny the motion of US Bank seeking relief from automatic stay; and,
2. Grant such other and further relief as this Court deems just and proper.

Dated: July 12, 2018

Respectfully Submitted  
Victor A. Silva  
By His Attorney,

/s/ Freya A. Shoffner  
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**CERTIFICATE OF SERVICE**

I, Barry C. Richmond, hereby certify that on July 12, 2018 I electronically filed the foregoing Answer and Opposition to the Motion for Relief from Stay Filed by US Bank, N.A. and served same electronically to the CM/ECF participants listed below.

Richard King, US Trustee

Denise Pappalardo, Chapter 13 Trustee

Marcus Pratt on behalf of Creditor US Bank National Association

David T. Mazzuchelli on behalf of Creditor Massachusetts Department of Revenue

James Southard of behalf of Creditor OrlansMoran

Ronald A. Dardeno on behalf of Creditor Century Bank and Trust Company

Ricardo Rullo, on behalf of Century Bank and Trust Company

Dated: July 12, 2018

/s/ Freya A. Shoffner

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